REMARKS

Status of the Claims

In the Office Action, claims 1 – 20 were noted as pending in the application. All claims stand rejected. Claim 21 is newly presented.

A.   Summary of Cited References

Before addressing the Examiner's rejections, a brief summary of the cited references is provided.

Novak, et. al. - U.S. Patent Publication Number 2003/0126599

Novak relates to an editing device that allows a user to access a media program and designate excerpts, or sections, of the media program by generating bookmarks that correspond to time or positional indexes in the program. Abstract. The bookmarks can then be sent via a network device to others so that the others can experience the original user's designated excerpts without having to review the entire program. Id. The other users apply the bookmarks to a different version, or copy, of the program than the original user does, thereby avoiding copyright infringement. Page 2, par. [0033]. Thus, bandwidth is not used transmitting the actual program content over a network. Id.

B.   Rejection of Claims under 35 U.S.C. § 103(a).

Applicant respectfully submits that the subject matter of the claims patentably distinguish over the cited references. Under MPEP § 2142, for an examiner to establish a *prima facie* case of obviousness, "three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure." If any of these three criteria are not met, the Examiner has not met the burden of establishing a *prima facie* case of obviousness, and the rejection should be withdrawn.

Furthermore, each dependent claim includes all of the limitations of the independent claim from which it depends. If an independent claim is non-obvious under

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35 U.S.C. § 103, then any claim depending therefrom is non-obvious. MPEP §2143.03, citing In re Fine, 837 F.2d 1071 (Fed. Cir. 1988). Applicant respectfully submits that the burden of establishing a *prima facie* case of obviousness has not been met.

C.   Additional Comments

. Examiner rejects claims 1 and 11 for the same reasons as in the previous office action. In fact, the rejection appears to be *verbatim* the same rejection made previously. Thus, Applicant's remarks made in response to the previous office action are repeated *verbatim* below. Applicant also addresses Examiner's rejection of claim 21.

In addition to repeating the remarks made previously, Applicant provides further analysis for Examiner's consideration. Examiner incorrectly states in the office action that FIG. 3 in Novak shows a "'terminating device [102] [that] comprises 'broadband communication circuitry, for receiving multimedia content in a broadband format' [302] (Para. [0062]). . . .'" Novak teaches receiving multimedia content encoded in MPEG packets. [0048]. However, paragraph [0062] does not teach circuitry for receiving MPEG encoded packets that are further encoded in a broadband format. Indeed, Novak teaches that "[t]he interface 302 may include conventional circuitry for receiving, demodulating, and demultiplexing MPEG packets. The interface 302 may also include conventional modem circuitry for sending or receiving data [] [f]or example . . . DOCSIS [data]." [0062]. By stating that the interface 'may also' include modem circuitry in paragraph [0062], Novak clearly distinguishes circuitry for processing MPEG packets containing multimedia content as being separate from circuitry for processing data packets, such as DOCSIS packets.

Moreover, the MPEG circuitry discussed in Novak at paragraph [0062] ". . . receiv[es], demodulat[es], and demultiplex[es] MPEG packets." In the very next sentence, Novak describes circuitry that ". . . send[s] and receiv[es] data." Both of these separate circuitry components in paragraph [0062] of Novak are described as receiving their respective type of information, namely, the MPEG circuitry receives MPEG packets and the data circuitry receives data. Thus, Novak does not teach receiving multimedia content encoded in a multimedia content (*i.e.* MPEG), which encoded multimedia content is further encoded in a broadband format (*i.e.* DOCSIS). Rather, to the extent that Novak

addresses the two types of information delivery, the reference teaches away from encapsulating one within the other – e.g. encapsulating multimedia content format in a broadband format for transmission over a network. Novak only tangentially teaches the transmission of multimedia content, and to whatever extent Novak teaches transmitting multimedia content, such transmission is according to 'conventional' methods, namely MPEG, which is how cable television operators typically deliver digital programming to subscribers.

In addition to Applicant's position that Novak does not teach the claim elements, Applicant reiterates that it has not admitted anything as being prior art. Examiner asserts that Applicant's discussion of DOCSIS is admitting prior art. A DOCSIS modem encapsulates in a broadband format a payload, for example a data packet, for transmission to another cable modem. The receiving modem strips the broadband format and outputs the payload to a client application, such as a web browser. Applicant is unclear as to what Examiner meant in stating, therefore, that it would be obvious for one skilled in the art to "modify the 'broadband circuitry' [302] of Novak to 'extract content from the broadband format by stripping broadband protocol information' as known in the art for doing so as necessary to implement a DOCSIS compatible signal transport/reception in an inexpensive manner through use of typically utilized components." Examiner seems to saying that it would be obvious to use DOCSIS circuitry to perform DOCSIS processing. Whatever modification Examiner is asserting would be obvious, Examiner has not provided an analysis as to why such modification would be obvious to arrive at the elements recited in claims 1 or 11. It also appears that Examiner has essentially extracted elemental phrases from Applicant's claim(s) to articulate a rejection.

"Examiner [is not permitted] to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention." In re Rouffet, 149 F.3d 1350, 1357 (Fed. Cir. 1998). "[E]xaminer must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed. Id. "Because the [Examiner] did not explain the specific understanding or principle within the knowledge of a skilled

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artisan that would motivate one with no knowledge of [the present] invention to make the combination, [an inference is drawn] that the examiner selected these references with the assistance of [forbidden] hindsight." Id. at 1358.

As discussed above, Novak does not disclose the elements of claim 1. Furthermore, Examiner states that Novak is silent with respect to processing performed by the claimed broadband communication circuitry in extracting the content from the broadband format by stripping broadband protocol information. Examiner appears to have made a naked allegation that although the reference does not disclose the claimed elements, the claim is nevertheless obvious because it would be obvious to use DOCSIS circuitry to perform DOCSIS processing. However, Examiner has not provided any support for this assertion, notwithstanding that what Examiner has stated is obvious is not what is claimed in claim 1.

Moreover, in addition to failing to meet the legal requirement of explaining the motivation as to why something is obvious, Examiner does not address the limitation of stripping broadband format from a multimedia signal, thus leaving the native multimedia signal to be processed by separate multimedia decoder circuitry. Applicant has amended the claims to focus examiner on this aspect of encoded multimedia content being encapsulated with a broadband format for transmission over a broadband network according to the broadband format.

DOCSIS, a broadband format as described in the present application, is designed to transport data packets, as implied by the phrase for which DOCSIS abreviates. Data packets, such as IP packets transmitted over the internet, typically are sent according to a protocol that ensures that all packets are received. Thus, if a packet gets lost during transport, the IP protocol typically requires that the sending device resend the data until all sent packets are received. Thus, the packets that are used to form a web page, for example, may not all arrive in the order they are sent, with some packets possibly being delayed by a relatively large amount of time.

Such delayed and unordered transmission of packets is unacceptable for multimedia content, such as, for example, MPEG video packets. A packet received and then displayed out of order would cause an unpleasant, if not indecipherable, viewing experience. Thus, MPEG video packets are typically transmitted to MPEG circuitry

(such as described in Novak at paragraph [0062]) on a best effort basis. In other words, if the packet arrives at the subscriber device, it is displayed. If it does not arrive in order with respect to surrounding packets in its stream, the packet is simply deemed to have been lost, and no attempt to retrieve it and redisplay it is made.

Since cable television operators have been using MPEG to transmit digital video signals since before DOCSIS, these same operators continue to use separate circuitry for receiving MPEG transmission from the circuitry used for receiving data transmission. This is typically true even if an MPEG stream and a DOCSIS data stream are delivered separately over the same cable to the same connection point at a user location.

In the present application, Applicant claims encapsulating multimedia content that has been encoded in a multimedia format, such as, for example, MPEG, and encapsulating such MPEG packet in a broadband format packet, such as, for example, a DOCSIS packet. Thus, there are two layers of packet formatting surrounding a grouping of multimedia content information, for example, a video frame. Novak does not disclose this. Furthermore, Applicant's disclosure does not admit this as prior art because Applicant only discusses that data, which typically is not transmitted according to a best effort protocol like video, is known to those in the art as being transported by DOCSIS. Thus, Applicant has not stated that it is known in the art to strip broadband format information from encoded multimedia content before being processed by multimedia content decoders.

An advantage of carrying multimedia content over DOCSIS instead of over a conventional MPEG stream is that certain features, such as quality of service ("QoS"), Dynamic Channel Change ("DCC") and Dynamic Service Flow Messaging ("DsX") can be used to improve performance to the customer, give the service provider more control over bandwidth usage – facilitating billing for custom programming and providing multiple service out of a single subscriber unit. Since the CMTS as a service provider's head end is directly coupled to a subscriber's cable mode, dropped/lost packets is less of a problem than if video packets were being distributed over the world wide web. Although the connection between the head end CMTS and the subscriber's cable modem may include splitters, amplifiers, etc., routers and switches, such as used in a typical IP network, do not intervene between the CMTS and a user's cable modem, thus, there is

less chance that packets will be lost or delayed vis-à-vis 'the Internet' in general. Essentially, what is being claimed is a data network delivering real-time streaming of video or voice content signals. This provides the advantages that a data network provides, with respect to control, for example, without the disadvantages that have prevented data networks from being used to deliver real-time streaming of content at a quality that compares to delivering real-time content via more conventional MPEG transport methods.

D.   Rejection of claim 21 under 35 U.S.C 102(e)

Claim 21 recites " . . . means for formatting the multiple types of content into a broadband format signal, the formatting means being coupled to the means for receiving the multiple types of content and to the network." The cited passages from St. John, et. al, U.S. Patent Pub. No. 2002/0095684 ("St. John") do not disclose this. Indeed, St. John discusses that "the 'cable modems' 140 may also support telephone and television services and may further support such services simultaneously with data communications such as those directed to the Internet." [0034], emphasis added. As with the discussion of Novak, this passage suggests that data is carried and processed separately from video/voice, although all the signals may be carried over the same cable and connection. Nothing in St. John teaches formatting multiples types of content into a broadband signal format.

In Fisk, the disclosure is primarily concerned with distributing video signals to multiple rooms in a building, such as a hotel. Fisk teaches providing video to the rooms using an IP protocol. However, Fisk does not teach encapsulating MPEG encoded packets in DOCSIS packets for delivery over a broadband network. In paragraph [0235] cited by Examiner, Fisk discusses separate video cards for receiving each of a plurality of MPEG streams. This paragraph does not describe delivering MPEG over DOCSIS by formatting content signals into a broadband format signal. Likewise, paragraph [0165] discusses DOCSIS being used to carry IP traffic, but does not disclose that DOCSIS is used to carry MPEG packets. As discussed above, IP data packets may be delivered out of order or delayed according to typical protocols used for data. Thus, Fisk does not disclose that multiple types of content signals are formatted into a broadband signal

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format, and that the means for performing such formatting is coupled to the means for receiving the multiple types of content and is coupled to the network. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 21.

What follows are the remarks filed in response to the previous office action.

E.   Rejection of Claims 1 and 11 under 35 U.S.C. § 103(a)

Regarding the rejection of independent claim 1, claim 1 claims ". . . broadband communication circuitry for receiving the multimedia content in a broadband format and extracting the content from the broadband format by stripping broadband protocol format information; and decoder circuitry for receiving the content from the broadband communication circuitry, for decoding the content according to the type of content received and providing the decoded content to at least one user device based on the type of content."

As discussed in the previous office action:

Novak does not disclose these elements. In Novak, multimedia content is accessed from a DVD or from encoded television content received from a cable television network or a direct broadcast satellite system. Page 2, pars. [0036] – [0038]. The encoding discussed in Novak is typically MPEG coding known in the art. Page 3, par [0048] – [0050]. Claim 1 in the present application claims extracting content from a broadband content signal, and then decoding the encoded content. In other words, the device claimed in claim 1 strips away the broadband signal protocol format information that envelopes the content information, and then decodes the remaining encoded content, which may include MPEG encoded content, for example. Novak does not disclose the element of stripping away the broadband signal protocol information as claimed in claim 1, and discussed at page 9, lines 3-13 of the present application. Examiner acknowledges that Novak does not disclose the element of stripping away the broadband signal protocol information in the office action

However, Examiner states that Applicant's 'Admitted Prior Art' discloses this. Applicant points out that Applicant has not admitted and is not admitting herein anything as being prior art. For purposes of discussion, Applicant refers herein to the 'reference'

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to the cited specification portion as 'allegedly admitted prior art' ("AAPA"). In the AAPA, Applicant states that a DOCSIS format translator 34 strips incoming messages of the DOCSIS format information, as known in the art.

It will be appreciated, however, that DOCSIS as defined in the reference 'DOCSIS Radio Frequency Interface Specification SP-RFIv2.0-I03-021218' does not teach encapsulating various types of content other than data into a common DOCSIS format. Since Examiner has asserted that Applicant's reference to the DOCSIS process of stripping broadband information from a message as being known in the art is equivalent to admitting prior art, Applicant provides analysis of the reference DOCSIS specification, which Examiner made of record and stated provides evidence of further DOCSIS aspects. An aspect of DOCSIS is the stripping of broadband information from a DOCSIS DATA message, as stated in the application. However, this aspect is not what is being claimed in claim 1.

As shown in FIG. 2 of the reference DOCSIS specification, in the downstream (transmit ("Tx") direction a combiner combines data and video, the video signals being provided to the combiner in their native format 6 MHz channels. The video is provided to the combiner in 6 MHz channels within the 50 – 880 MHz spectrum, and the CMTS provides QAM modulated data, also in one or more 6 MHz channels in the 50 – 880 MHz range, but separate from the channels used for video channels. Thus, according to the DOCSIS specification video, a type of multimedia, and data are not both encapsulated in the DOCSIS protocol format. Only data is formatted by the CMTS in the DOCSIS protocol format.

In contrast, FIG. 1 of the present application shows that the CMTS 22 is coupled directly via network 4 to network interface device 6. ". . . CMTS 22 . . . formats requested content into a DOCSIS message and transmits the message downstream to device 6. Page 8, lines 1-3. "CMTS 22 can receive any type of content . . . ." Page 8, line 4. "The content is then converted into DOCSIS-format messages/signals and transported from CMTS 22 to a requesting user at the user's network interface device 6." Page 8, lines 4-8. Thus, the CMTS converts requested multimedia content into DOCSIS format messages, rather than just combining DOCSIS data from a CMTS with 6 MHz video channels having content that is not formatted according to DOCSIS.

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The passage in the application referring to stripping the DOCSIS format information from incoming DOCSIS messages as being known in the art states that the process of stripping DOCSIS format information from an incoming DOCSIS message is known in the art. However, this statement is not prior art to the subject matter of claims 1 and/or 11. One skilled in the art knows that DOCSIS is used for delivering data messages from a head end to a cable modem, but one skilled in the art does not appreciate DOCSIS being used for transporting content other data. Indeed, as defined in the Background section of the application, the acronym DOCSIS stands for <u>Data</u> Over Cable Service Interface Specification. Thus, the statement in the application referring to stripping "DOCSIS format information, as known in the art . . ." refers to stripping DOCSIS header information from incoming data messages.

A central idea of the claims in the application is that multiple types of content, including video, are formatted into a broadband format, which format may include DOCSIS, and transported via DOCSIS, for example, over a single network to a single device. Thus, for example, channels containing video signals are not merely combined with a DOCSIS channel before transporting over the network, but are actually formed into DOCSIS message signals before being transported, along with data, in one or more DOCSIS channels. Newly presented claim 21 more simply claims this aspect by showing that downstream content converges into the CMTS, and is all transported, via the CMTS formatting all content into broadband-formatted messages, toward the subscriber's device.

Such formatting of differing types of content into DOCSIS messages before transmitting to a subscriber is not referred to in the application as prior art. Such formatting is not disclosed in Novak. Such formatting is not disclosed in the DOCSIS specification document, which is made of record. All that is referred to in the application as being known in the art is the process of stripping DOCSIS formatting information from a received DOCSIS data message. What is new is combining multiple types of content streams into one or more DOCSIS message streams at the CMTS located at the head end. This is not disclosed in the references.

In claim 1, the claim claims ". . . receiving the multimedia content in a broadband format and extracting the content from the broadband format by stripping broadband

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protocol format information . . . ." In the specification multimedia content is described as video and audio, voice and data services. Page 5, lines 9-10. As shown in the DOCSIS specification reference, only data is processed into a broadband format at the CMTS before being combined with video content already formed into standard 6 MHz video channel signals (in the U.S.; other countries may use different spectrum bandwidths) and transmitted downstream to a user. Claim 1 distinguishes over the references because video, as well as data and voice, are processed according to DOCSIS before being transmitted down stream. This happens before the DOCSIS signals are received at a DOCSIS device at a subscriber's premises, where a system according to claim 1 is located.

Thus, because Novak does not disclose processing according to DOCSIS as stated by Examiner in the office action and because DOCSIS teaches away from processing video traffic according to DOCSIS - but teaches additing such traffic to DOCSIS-processed data - the references, including AAPA, do not disclose the claimed elements found in claim 1. As discussed above, AAPA refers generally to the DOCSIS process of stripping broadband format information from a message. However, AAPA does not disclose that the message includes content other than data. The references do not include all of the claimed elements, claim 1 patentably distinguishes over the references, including AAPA. Furthermore, the DOCSIS specification document reference teaches away from the claimed subject matter. Thus, there is not a suggestion to combine the references because there is actually a suggestion not to combine. Therefore, there cannot be a likelihood of success in combining the references. Withdrawal of the rejection is respectfully requested. Similar analysis applies with respect to claim 11 and newly presented claim 21. Withdrawal of the rejection and allowance are respectfully requested there for.

D.   The dependent claims are not Obvious over the Cited References

Claims 2-5 and 7-19 are rejected under 35 U.S.C. § 103(a) over <u>Novak</u> in view of AAPA. The claims addressed in this section are dependent claims, and depend from independent claims that are not obvious under 35 U.S.C. § 103 as discussed above. Therefore, under MPEP §§2142 §2143.03, these dependent claims patentably distinguish

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over the references and withdrawal of the rejection is respectfully requested. However, further analysis is provided with respect to some of the se claims below.

Claim 2 claims cable modem circuitry for "receiving the multimedia content in a broadband format and extracting the content from the broadband format by stripping broadband protocol format information," the portion in quotes being recited in claim 1, which is included in any claim that depends from claim 1. The cited passage, paragraph [0062], in Novak does not disclose receiving multimedia content with a cable modem. Rather, communication with a cable network 101 that delivers video signals via central location 100 is discussed. Indeed, the passage states that interface 302 may include conventional cable modem circuitry for sending and receiving data apart from receiving standard video signals. There is no mention in the cited passage that the cable modem can also process broadband-formatted video signals through the cable modem. Thus, the use of a cable modem coupled to the CMTS to receive multimedia content in a broadband format and to extract the content from the broadband format by stripping broadband protocol information is not found in the Novak reference. Similar analysis applies with respect to claim 3. Thus, claims 2 and 3 patentably distinguish over the reference. In addition, similar analysis applies with respect to claims 12 -13. Withdrawal of the rejection is respectfully requested.

With respect to claims 4-10, the claims include all of the limitations of the base claim from which they depend. Therefore, the fact that Novak may refer to a digital signal processor, a graphics processor, an audio output, a video output, a hard drive or a connection to an external device does, which Applicant does not concede with respect to similar context vis-à-vis the claimed subject matter, does not render the claims obvious. Novak does not teach the claimed elements processing, or operating on, multimedia content that was received in a broadband format message, which is an element present in all of the dependent claims 4-10. The processor discussed in paragraph [0069] is discussed as controlling, or operating, the STB. The processor in Novak is not disclosed as processing multimedia signals, such as, for example, MPEG signals as discussed in the present application at page 9, lines 6-14. Accordingly, the reference does not disclose all of the elements of the claims. Therefore, the claims patentably distinguish over the reference(s). Withdrawal of the rejection is respectfully requested. Similar analysis

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applies with respect to claims 14-16. Withdrawal of the rejection is respectfully requested.

With respect to the rejection of claim 17-19, all elements of the claims are not found in the references. For example, Examiner states that Novak discloses using DOCSIS, therefore using features available through DOCSIS are disclosed therein. Since claim 17 includes all of the elements of the base claim and the further limitation it introduces, DOCSIS aspects are applied to the providing of multimedia content, not just data, as discussed in Novak and in the reference DOCSIS specification. For example, by applying quality of service ("QoS") aspects to a DOCSIS encoded traffic stream, content streams that correspond to low bandwidth signals (a low quality standard definition video signal as compared to a high definition video signal) may be combined before DOCSIS processing into a stream that does not have as high a priority placed on its transmission from the CMTS to the cable modem. If some packets are dropped during transmission, the subscriber may not realize it, since the quality of the original signal is low anyway. High quality signals may be combined into a stream (one stream may be used for a single content program if the bandwidth required is high), or streams, that has/have a higher delivery priority to the subscriber. Thus, low bandwidth programs, such as news programs, black and white reruns, etc, may be placed onto a stream that is assigned a low priority whereas new release movies and live sports event coverage may be assigned to higher priority streams. These aspects are not discussed in Novak or in the DOCSIS specification. Withdrawal of the rejection is respectfully requested.

Regarding the rejection of claim 18, Examiner states that Applicant provides 'evidence' on page 10 that it is common knowledge to use a dynamic service flow MIB to reduce jitter. Although knowledge of the use of a DsX MIB in DOCSIS may be common, it is not common to assign different MIB values to different streams based on the bandwidth to be used for a particular stream in order to reduce jitter. This is because, heretofore, DOCSIS is used for transporting data rather than voice and video. In the transmission of data, jitter is not an issue because if packets are dropped in transmission, they are sent again according to TCP/IP until a web page is complete, for example. However, dropped packets can make a voice message unintelligible, especially of the dropped packets are resent. The same intolerance to jitter applies to the transmission of

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video too. Thus, it is not common knowledge to use a DsX MIB to reduce jitter in a DOCSIS system. Accordingly, claim 18 patentably distinguishes over the references. Withdrawal of the rejection is respectfully requested.

With respect the rejection of claim 19, the recited elements are not found in the reference(s). Since claim 19 includes all of the limitations of the base claim from which it depends, claim 19 includes the limitation of ". . . receiving the broadband-formatted digital content signal with broadband communication circuitry . . . ." As discussed in the present application, it is known to use dynamic channel change ("DCC") at the CMTS to instruct a connected cable modem to tune to a different channel. However, the application also discusses, and claim 19 claims, that dynamic channel change is used at the broadband communication circuitry as well as at the CMTS. Thus, the broadband communication circuitry, or cable modem, for example, can instruct the CMTS to change channels as well as the CMTS instructing the cable modem to change channels. Page 10, line 24 – page 11, line 3. The present application distinguishes from the use of DCC at the CMTS which "is designed for use at the CMTS," page 11, line 2, and the novel use of DCC at the cable modem, at page 11, line 3. Therefore, the AAPA does not disclose the use of DCC at the cable modem and there is no suggestion to combine the references to arrive at the claimed subject matter. Withdrawal of the rejection is respectfully requested.

Claim 6 is rejected as obvious under 35 U.S.C. sec. 103(a) as being obvious over Novak in view of Brooks, et. al., U.S. patent number 6,816,940. Examiner states that Novak fails to show a bus connecting a MAC of the broadband communication circuitry and a MAC of the decoder circuitry. However, Examiner states that Brooks shows this feature. The passage Examiner cites as disclosing this feature discusses a cable modem CMAC that is used for DOCSIS functionality, and an EMAC, which supports a separate IEEE 802.3 port. This is used for home LAN and Ethernet connections, typically local to the device containing the EMAC.

Such an EMAC for supporting Ethernet or HomeLAN is not the same as a MAC address of a processor that may be used to decode content messages received from a CMTS. Thus, the claimed limitation of interconnecting a MAC of broadband communication circuitry with a MAC of a processor is not disclosed in the Brooks

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reference. Therefore, the claim patentably distinguishes over the references. Withdrawal of the rejection is respectfully requested.

With respect to claim 20, Examiner rejects the claim as being obvious over U.S. Patent 6,813,643 to Pearlman ("Pearlman") ". . . in view of common knowledge as supported by applicant's [allegedly] admitted prior art." Examiner correctly states that Pearlman does not disclose components and functions associated with the implementation of a DOCSIS signal transport. However, Examiner incorrectly combines the cited section (page 8, line 22 – page 9, line 6) from the present application with Pearlman. Claim 20 claims ". . . means for decoding the incoming content into its native format coupled to the media access controller; and means for distributing the decoded content in its native format from the decoding means to one or more of a plurality of output ports according to the native format type." The cited reference does not contain these limitations.

In the Pearlman reference, a device is described that has a switching module that routes an output signal of the QAM tuner 236 to either an MPEG-2 module 234 or DOCSIS module 235 according to whether the signal is video or data, respectively. Col 3, lines 40-62. Then, the signal from either module is provided at a single output. This necessarily means that MPEG signals are treated differently from DOCSIS messages. Moreover, the MPEG video messages are not processed by the DOCSIS module in Pearlman. In contrast, in the present application even if video signals are MPEG-encoded before being formatted in a broadband format, such as DOCSIS, the MPEG-encoded messages and data messages are broadband-formatted, preferably DOCSIS-formatted, and processed by the same DOCSIS format translator 34 shown in FIG. 2. Thus, signals from the QAM tuner 30 are routed to the translator 34, even if they are MPEG content signals, unlike in Pearlman where MPEG signals are routed to a different module than DOCSIS message signals. In Pearlman there are no multimedia content message that are stripped of DOCSIS format information before being processed. In Pearlman, if an incoming messages is a video message, it is already in its native format, thus the need to route the signal flow to the video processor 234 rather than the DOCSIS processor 235. Thus, all of the claimed elements are not found in the references, either alone or in combination. Furthermore, there is not a likelihood of success and there is no suggestion to combine the references to arrive at the claimed invention.

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Therefore, all elements of the claims are not found in the references, alone or in combination. Furthermore, there is no suggestion to combine the references to arrive at the claimed invention, and there not a likelihood of success in arriving at the claimed invention by combining the references. Accordingly, a *prima facie* case of obviousness has not been shown and the claims patentably distinguish over the reference. Withdrawal of the rejection is respectfully requested.
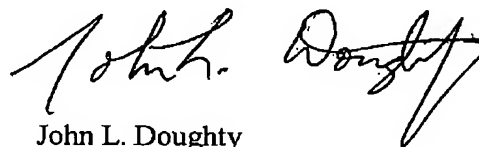
SUMMARY

For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance and that action is earnestly solicited.

If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment please contact the undersigned at the mailing address, telephone, facsimile number, or e-mail address indicated below.

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